

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-60687



In re: LARRY COOK,

Movant

A True Copy
Certified order issued Jan 19, 2017

Tyler W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

Motion for an order authorizing
the United States District Court for the
Northern District of Mississippi, Greenville to consider
a successive 28 U.S.C. § 2254 application

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:

Larry Cook, Mississippi prisoner # 67385, was convicted of murder and received a life sentence. He now seeks authorization to file a successive 28 U.S.C. § 2254 application challenging this conviction. In the motion he has filed before this court, Cook argues that amendments made in 2014 to the state's parole rules which benefit him should be applied retroactively and that a tentative parole date should be scheduled.

A § 2254 application is successive if it raises a claim that was or could have been brought in a previous application or that otherwise constitutes an abuse of the writ. *Leal Garcia v. Quarterman*, 573 F.3d 214, 220 (5th Cir. 2009). Because Cook could not have challenged the applicability of the changes in state law in his initial § 2254 application, he is not required to obtain this court's permission to file a § 2254 application raising such a challenge. See *id.* at 222-23; *In re Cain*, 137 F.3d 234, 235-37 (5th Cir. 1998). Accordingly, IT IS

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ORDERED that Cook's motion for authorization to file a successive § 2254 application is DENIED AS UNNECESSARY.